

House Amendment 1762

PAG LIN

1 1 Amend Senate File 478, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 93, by inserting after line 17 the
1 4 following:

1 5 <DIVISION ____
1 6 CARRYING OF WEAPONS

1 7 Sec. ____ Section 80A.13, Code 2009, is amended to
1 8 read as follows:

1 9 80A.13 CAMPUS WEAPON REQUIREMENTS.

1 10 An individual employed by a college or university,
1 11 or by a private security business holding a contract
1 12 with a college or university, who performs private
1 13 security duties on a college or university campus and
1 14 who carries a weapon while performing these duties
1 15 shall ~~meet all of the following requirements:~~

1 16 ~~1. File with the sheriff of the county in which
1 17 the campus is located evidence that the individual has
1 18 successfully completed an approved firearms training
1 19 program under section 724.9. This requirement does
1 20 not apply to armored car personnel.~~

1 21 ~~2. Possess a permit to carry weapons issued by the
1 22 sheriff of the county in which the campus is located
1 23 under sections 724.6 through 724.11. This requirement
1 24 does not apply to armored car personnel.~~

1 25 ~~3. File file with the sheriff of the county in
1 26 which the campus is located a sworn affidavit from the
1 27 employer outlining the nature of the duties to be
1 28 performed and justification of the need to go armed.~~

1 29 Sec. ____ Section 724.4, Code 2009, is amended to
1 30 read as follows:

1 31 724.4 CARRYING WEAPONS.

1 32 ~~1. Except as otherwise provided in this section, a
1 33 person who goes armed with a dangerous weapon
1 34 concealed on or about the person, or who, within the
1 35 limits of any city, goes armed with a pistol or
1 36 revolver, or any loaded firearm of any kind, whether
1 37 concealed or not, or who knowingly carries or
1 38 transports in a vehicle a pistol or revolver, commits
1 39 an aggravated misdemeanor. A person who goes armed
1 40 with a dangerous weapon with the intent to commit a
1 41 crime of violence commits a class "D" felony. This
1 42 subsection applies regardless of whether the dangerous
1 43 weapon is concealed or not concealed on or about the
1 44 person and regardless of whether the dangerous weapon
1 45 is transported in a vehicle. For purposes of this
1 46 subsection, "crime of violence" means a felony which
1 47 has, as an element of the offense, the use of physical
1 48 force by one person against another person.~~

1 49 ~~2. A person who goes armed with a knife concealed
1 50 on or about the person, if the person uses the knife
2 1 in the commission of a crime, commits an aggravated
2 2 misdemeanor.~~

2 3 ~~3. A person who goes armed with a knife concealed
2 4 on or about the person, if the person does not use the
2 5 knife in the commission of a crime:~~

2 6 ~~a. If the knife has a blade exceeding eight inches
2 7 in length, commits an aggravated misdemeanor.~~

2 8 ~~b. If the knife has a blade exceeding five inches
2 9 but not exceeding eight inches in length, commits a
2 10 serious misdemeanor.~~

2 11 ~~4. Subsections 1 through 3 do Subsection 3 does
2 12 not apply to any of the following:~~

2 13 ~~a. A person who goes armed with a dangerous weapon
2 14 in the person's own dwelling or place of business, or
2 15 on land owned or possessed by the person.~~

2 16 ~~b. A peace officer, when the officer's duties
2 17 require the person to carry such weapons.~~

2 18 ~~c. A member of the armed forces of the United
2 19 States or of the national guard or person in the
2 20 service of the United States, when the weapons are
2 21 carried in connection with the person's duties as
2 22 such.~~

2 23 ~~d. A correctional officer, when the officer's
2 24 duties require, serving under the authority of the~~

2 25 Iowa department of corrections.
2 26 ~~e. c.~~ A person who for any lawful purpose carries
2 27 an unloaded pistol, revolver, or other dangerous
2 28 weapon inside a closed and fastened container or
2 29 securely wrapped package which is too large to be
2 30 concealed on the person.

~~2 31 f. A person who for any lawful purpose carries or
2 32 transports an unloaded pistol or revolver in a vehicle
2 33 inside a closed and fastened container or securely
2 34 wrapped package which is too large to be concealed on
2 35 the person or inside a cargo or luggage compartment
2 36 where the pistol or revolver will not be readily
2 37 accessible to any person riding in the vehicle or
2 38 common carrier.~~

~~2 39 g. A person while the person is lawfully engaged
2 40 in target practice on a range designed for that
2 41 purpose or while actually engaged in lawful hunting.~~

2 42 ~~h. d.~~ A person who carries a knife used in
2 43 hunting or fishing, while actually engaged in lawful
2 44 hunting or fishing.

~~2 45 i. A person who has in the person's possession and
2 46 who displays to a peace officer on demand a valid
2 47 permit to carry weapons which has been issued to the
2 48 person, and whose conduct is within the limits of that
2 49 permit. A person shall not be convicted of a
2 50 violation of this section if the person produces at
3 1 the person's trial a permit to carry weapons which was
3 2 valid at the time of the alleged offense and which
3 3 would have brought the person's conduct within this
3 4 exception if the permit had been produced at the time
3 5 of the alleged offense.~~

3 6 ~~j. e.~~ A law enforcement officer from another
3 7 state when the officer's duties require the officer to
3 8 carry the weapon and the officer is in this state for
3 9 any of the following reasons:

3 10 (1) The extradition or other lawful removal of a
3 11 prisoner from this state.

3 12 (2) Pursuit of a suspect in compliance with
3 13 chapter 806.

3 14 (3) Activities in the capacity of a law
3 15 enforcement officer with the knowledge and consent of
3 16 the chief of police of the city or the sheriff of the
3 17 county in which the activities occur or of the
3 18 commissioner of public safety.

3 19 ~~k. f.~~ A person engaged in the business of
3 20 transporting prisoners under a contract with the Iowa
3 21 department of corrections or a county sheriff, a
3 22 similar agency from another state, or the federal
3 23 government.

3 24 Sec. _____. Section 724.4B, subsection 2, paragraph
3 25 a, Code 2009, is amended to read as follows:

3 26 a. A person listed under section 724.4, subsection
3 27 4, ~~paragraphs~~ paragraph "b" through "f", "c", or "j"
3 28 "e".

3 29 Sec. _____. Section 724.6, subsection 1, Code 2009,
3 30 is amended to read as follows:

~~3 31 1. A person may be issued a permit to carry
3 32 weapons when the person's employment who is employed
3 33 in a private investigation business or private
3 34 security business licensed under chapter 80A, or a
3 35 person's employment as a peace officer, correctional
3 36 officer, security guard, bank messenger or other
3 37 person transporting property of a value requiring
3 38 security, or in police work, whose employment
3 39 reasonably justifies that person going armed, shall be
3 40 issued a professional permit to carry weapons if the
3 41 person applies for the permit and meets the~~

~~3 42 requirements of sections 724.8 through 724.10. The
3 43 permit shall be on a form prescribed and published by
3 44 the commissioner of public safety, shall identify the
3 45 holder, and shall state the nature of the employment
3 46 requiring the holder to go armed. A permit so issued,
3 47 other than to a peace officer, shall authorize the
3 48 person to whom it is issued to go armed anywhere in
3 49 the state, only while engaged in the employment, and
3 50 while going to and from the place of the employment.~~

4 1 A permit issued to a certified peace officer shall
4 2 authorize that peace officer to go armed anywhere in
4 3 the state at all times. Permits shall expire ~~twelve~~
4 4 ~~months~~ five years after the date when issued except
4 5 that permits issued to peace officers and correctional

4 6 officers are valid through the officer's period of
4 7 employment unless otherwise canceled. When the
4 8 employment is terminated, the holder of the permit
4 9 shall surrender it to the issuing officer for
4 10 cancellation.

4 11 Sec. ____ Section 724.7, Code 2009, is amended to
4 12 read as follows:

4 13 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

~~4 14 Any person who can reasonably justify going armed
4 15 may not otherwise prohibited from possessing or
4 16 transporting a firearm and who meets the requirements
4 17 in sections 724.8 through 724.10 shall be issued a
4 18 nonprofessional permit to carry weapons if the person
4 19 applies for such permit. Such permits shall be on a
4 20 form prescribed and published by the commissioner of
4 21 public safety, which shall be readily distinguishable
4 22 from the professional permit, and shall identify the
4 23 holder thereof, and state the reason for the issuance
4 24 of the permit, and the limits of the authority granted
4 25 by such permit. All permits so issued shall be for a
4 26 definite five-year period as established by the
4 27 issuing officer, but in no event shall exceed a period
4 28 of twelve months.~~

4 29 Sec. ____ Section 724.8, subsection 5, Code 2009,
4 30 is amended to read as follows:

~~4 31 5. The issuing officer reasonably determines that
4 32 the applicant does not constitute a danger to any
4 33 person person is not otherwise prohibited by state or
4 34 federal law from possessing or transporting a firearm.~~

4 35 Sec. ____ Section 724.9, Code 2009, is amended to
4 36 read as follows:

4 37 724.9 FIREARM TRAINING PROGRAM.

~~4 38 A training program to qualify persons in the safe
4 39 use of firearms shall be provided by the issuing
4 40 officer of permits, as provided in section 724.11.
4 41 The commissioner of public safety shall approve the
4 42 training program, and the county sheriff or the
4 43 commissioner of public safety conducting the training
4 44 program within their respective jurisdictions may
4 45 shall contract with a private organization or use the
4 46 services of other agencies, or may use a combination
4 47 of the two, a private individual or a professional
4 48 organization who shall conduct the training consistent
4 49 with the standards set forth by the national rifle
4 50 association to provide such training. Any person~~

~~5 1 eligible to be issued a permit to carry weapons may
5 2 enroll in such course. A fee sufficient to cover the
5 3 cost of the program may be charged each person
5 4 attending. Certificates of completion, on a form
5 5 prescribed and published by the commissioner of public
5 6 safety, shall be issued to each person who
5 7 successfully completes the program. No A person shall
5 8 not be issued either a professional or nonprofessional
5 9 permit unless the person has received a certificate of
5 10 completion or is a certified peace officer. No peace
5 11 officer or correctional officer, except a certified
5 12 peace officer, shall go armed with a pistol or
5 13 revolver unless the officer has received a certificate
5 14 of completion, provided that this requirement shall
5 15 not apply to persons who are employed in this state as
5 16 peace officers on January 1, 1978 until July 1, 1978,
5 17 or to peace officers of other jurisdictions exercising
5 18 their legal duties within this state.~~

5 19 Sec. ____ Section 724.11, Code 2009, is amended to
5 20 read as follows:

5 21 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

~~5 22 Applications for permits An application for a
5 23 permit to carry weapons, if made, shall be made to the
5 24 sheriff of the county in which the applicant resides.
5 25 Applications from persons who are nonresidents of the
5 26 state, or whose need to go armed arises out of
5 27 employment by the state, shall be made to the
5 28 commissioner of public safety. In either case, the
5 29 issuance of the permit shall be by and at the
5 30 discretion of the sheriff or commissioner, who shall,
5 31 before issuing the permit, determine that the
5 32 requirements of sections 724.6 to 724.8 through 724.10
5 33 have been satisfied and the person is not otherwise
5 34 prohibited by state or federal law from possessing or
5 35 transporting a firearm. However, the training program
5 36 requirements in section 724.9 may be waived for~~

5 37 ~~renewal permits.~~ The issuing officer shall collect a
5 38 fee of ~~ten fifty~~ dollars, except from a duly appointed
5 39 peace officer or correctional officer, for each permit
5 40 issued. Renewal permits or duplicate permits shall be
5 41 issued for a fee of five dollars. The issuing officer
5 42 shall notify the commissioner of public safety of the
5 43 issuance of any permit at least monthly and forward to
5 44 the commissioner an amount equal to two dollars for
5 45 each permit issued and one dollar for each renewal or
5 46 duplicate permit issued. All such fees received by
5 47 the commissioner shall be paid to the treasurer of
5 48 state and deposited in the operating account of the
5 49 department of public safety to offset the cost of
5 50 administering this chapter. Any unspent balance as of
6 1 June 30 of each year shall revert to the general fund
6 2 as provided by section 8.33.

6 3 Sec. _____. Section 724.5, Code 2009, is repealed.>
6 4 #2. By renumbering as necessary.

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6 8 SORENSON of Warren

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